

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARTER COMMUNICATIONS, INC.,

Petitioner,

– v –

LYNDA M. DERFERT,

Respondent,

– and –

NEW YORK STATE DIVISION OF HUMAN
RIGHTS,

Respondent-Intervenor.

Case 1:20-cv-00915-GWC
Declaration

I, Erin Sobkowski, declare, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, as follows:

1. I am an attorney admitted to the bar of this Court and am a Senior Attorney with the Office of the General Counsel of the New York State Division of Human Rights (NYSDHR), counsel for Respondent-Intervenor New York State Division of Human Rights in the above-captioned matter.
2. This declaration is submitted in opposition the motion to alter or amend a judgment pursuant to the Federal Rules of Civil Procedure (FRCP) 59(e) by Petitioner, Charter Communications Inc., (Charter).
3. As set forth fully in NYSDHR's accompanying memorandum of law, Petitioner

repeats arguments already considered by this Court on Petitioner's motion to compel arbitration and enjoin Respondent Lynda Derfert and NYSDHR's motion to dismiss.

4. Petitioner raises no new facts for this Court to consider.

5. Petitioner references a booklet from the NYSDHR website as new evidence in support of its argument that NYSDHR merely assists individuals that file complaints, rather than prosecutes complaints.

6. The document properties indicate the booklet was created in 2013 and last updated in 2016, <https://dhr.ny.gov/sites/default/files/pdf/nysdhr-basic-guide-hrl.pdf>.

7. Petitioner has failed to meet its burden to warrant reconsideration by this Court pursuant to F.R.C.P. 59(e) and NYSDHR respectfully requests the Court deny the motion in its entirety.

Dated: February 10, 2021
Buffalo, New York



Erin Sobkowski